Minutes[*]

Senate Research Committee
Monday, November 20, 2006
1:15 - 3:00
238A Morrill Hall

Present: Steven Ruggles (chair), Linda Bearinger, Arlene Carney, James Cotter, Dan Dahlberg,
                 Sharon Danes, Donald Dengel, Stephen Ekker, Steven Gantt, Paul Johnson, Jennifer
                 Linde, James Luby, Ellen McKinney, Timothy Mulcahy, Selam Rodriguez, Thomas
                 Schumacher, Virginia Seybold, Charles Spetland, George Trachte, Barbara VanDrasek,
                 Sanford Weisberg, Jean Witson

Absent: Richard Bianco, Robin Dittman, Genevieve Escure, Mark Paller, Federico Ponce de
                 Leon, Michael Volna

Guests: Lisa Carlson, Winifred Schumi, Melinda Sewell, Ed Wink (Office of the Vice President
                 for Research)

Other: Sophia Anema (Office of Institutional Compliance)

[In these minutes: (1) PI eligibility policy; (2) Grants.gov and proposal deadlines; (3) compliance update;
(4) memo for next meeting]

        Professor Ruggles convened the meeting at 1:15 and turned to Vice President Mulcahy for an
update on several matters.

1.   PI Eligibility Policy

        Vice President Mulcahy began by referring to the new Regents' policy on "Submitting and
Accepting Sponsored Projects." This replaces two existing policies, one on PI eligibility and one
governing delegation of authority. There are no significant changes in the two policies, now combined
into one, he told the Committee; the biggest substantive change allows multiple PIs on a grant.

        Committee members raised questions about definitions of the some of the terms in the policy; Dr.
Mulcahy and Dr. Sewell agreed that they would be sure appropriate definitions are included.

        With the understanding that definitional clarifications would be added, the Committee voted
unanimously to endorse the revised policy.

2.   Grants.gov and Proposal Deadlines

        Another policy issue is related to Grants.gov. He distributed copies of a diagram intended to
illustrate the flow of information from a university to Grants.gov and agency servers. Grants.gov, he
reminded the Committee, is the federally-mandated electronic grant submission process; now it is used

only for some grant applications but ultimately, by Fall, 2007, it will be required for all federal grants (including, starting next February, for all NIH R01 Research Project grants). Grants.gov is a collection point, a clearing house, for proposals. Grants.gov checks over proposals, as does the agency, which can take time and which universities are concerned about. NIH statistics are that the average grant must be submitted three times to be correct; each iteration requires communication to the campus, the campus to the PI, correction, and resubmission. That process can take 2-4 days, sometimes longer. Experience from around the country is that agencies are flatly rejecting deadline extensions because of the time this process takes. Many of these errors are technical or editing, but if a proposal is submitted to an agency in advance of the deadline, and then delayed because of errors, the agency will not accept it if the corrected proposal arrives after the deadline. The proposals must be accepted by the agency without error by the deadline.

Vice President Mulcahy distributed copies of a draft memo to faculty and staff investigators discussing these issues and drew the attention of Committee members to a table recording Grants.gov proposal deadlines at other major research universities. The modal requirement is that a proposal must be submitted to the sponsored projects office 5 days before the agency deadline; a few require 10 days.

The University proposes to impose the internal 5-day deadline, Dr. Mulcahy said. Sponsored Projects Administration (SPA) will process proposals as in the past; this does not buy additional time for SPA but it allows time for the iteration between the PI, the University, and the agency in the case of errors. He said he would like this to be a pilot project for a year, to get the kinks out of the system, and then see if the deadline can be relaxed. He said that in his professional opinion adoption of such a deadline is the best thing the University can do—and to not adopt it would be irresponsible, knowing what they do about the process. He also said he was coming late to the Committee on this issue because it was not clear what was going to happen with Grants.gov. Now it is clear: the agencies are going to use it and they will not back off their deadlines. He also wanted to see what other universities were doing.

A number of points arose in the ensuing discussion.

--   The memo should be very clear what it is about.

--   There should be help on how not to fall into the iterative process—what are the top 100 mistakes? (There are Tips and Tools and FAQs on the SPA website.)

--   Ms. Schumi reported that they are now being asked to attend department meetings to discuss these issues; department administrators know a lot about the rules; she is emphasizing the NIH deadline of February 5, when it will receive about 200 submissions, because NIH has iterations other agencies do not due to its internal processing system.

--   The 5-day deadline does not apply to all grants, only to those that must use Grants.gov.

--   When the deadline should be made effective was not clear; there were several suggestions. Vice President Mulcahy said his office will work with PIs to help meet the deadline, whenever it is made effective.

--   The PI will need to be on call 24/7 during the 5 days after the internal deadline is met; the PI is now more integral to the process and must know he or she must be available to assist with corrections to grants. If a PI is out of touch after submitting the proposal, there could be problems because some issues

only the PI can resolve. It may also be necessary to have staff available at SPA during weekends and holidays.

--   If the agency deadline for proposals (e.g., NIH RO1) is a Monday, February 5, when is the internal University deadline? It would be 8:00 a.m. the previous Monday or 9:00 p.m. the Friday before that Monday. Committee members were of the view that the Friday deadline would not be reasonable. Dr. Mulcahy said his office will provide a table of exact times so there is no uncertainty, but they would not require a Friday deadline and then do nothing with the proposal until Monday. Mr. Wink said that SPA had not discussed this issue but it would do so. .

--   NSF is now using Fastlane; how does that fit with Grants.gov? It is not clear why the federal government built a new system when Fastlane works as well as it does; it is seamless, the bugs are worked out, and it's better than Grants.gov. One Committee member speculated that Halliburton designed the new system.

--   Are grants bounced by human beings or by computers? By computers, and it should happen within 24-48 hours (it can take up to 48 hours because of system issues); in most cases, it will probably be a matter of minutes, not hours. It would be rare to make a submission on Tuesday and not hear until Sunday. And the system should catch all the errors, not just return it upon encountering one error. But there is a concern about what will happen in days before February 5, when the system could get bogged down.

The Committee voted unanimously to endorse the internal 5-day deadline, with the understanding that it would not be imposed before January.

3.   Compliance Update

Professor Ruggles next asked Mr. Schumacher to give the Committee an update on compliance issues.

Mr. Schumacher began by recalling that on August 18, 1995, the University received a letter from NIH, directed to Interim Vice President Mark Brenner, indicating the University had a culture of non-compliance. As part of the Pulse survey this year, faculty and staff were asked about compliance issues. One question read "I have experienced or observed significant misconduct (e.g. violation of law, or workplace rules, or significant U policy) in my unit/department within the last 12 months." 13% of the staff and 15% of the faculty answered "yes" to the question.   Given the numbers involved in the survey, that would mean about 2600 perceived violations by faculty and staff (i.e., not including student employees). The actual number could be higher or lower, depending on how many people saw multiple events or the same person reported more than one event. The responses to this question run higher in industry, Mr. Schumacher said, so by comparison the University does well.

Based on trends from their hotline calls, Mr. Schumacher identified four major types of misconduct that may have been perceived: (about 25%) discrimination/harassment, (about 25%) wage/hour abuse (e.g., paid when not working), (about 10 %) health and safety, and (about 9%) research issues (e.g., mishandling private data). The last ones are the most expensive to correct (e.g., the missing laptop with data it should not contain, or use of data without the consent of the patients/subjects).

What do people do about misconduct? Asked "If the misconduct was not known by responsible U officials, did you or some else report it to U officials or the U's confidential reporting service?" 49% of the staff and 40% of the faculty responded "No or don't know." This is quite different from industry, where over 90% of respondents say they would report a violation. Mr. Schumacher said he did not know quite what to make of the difference. One factor may be that the industry question was hypothetical ("if you observed, would you report . . .") while the University question was empirical; for those who answered that they in fact observed misconduct, the question asked whether they actually reported it to someone.

Survey respondents were asked about the University's response when they did report a perceived violation. Only 22% of the faculty and 21% of staff believed the University took appropriate corrective action, also low figures. In the case of those who reported having seen "significant" misconduct, 63% of faculty and 51% of staff did not believe the University took appropriate corrective action. And 15% of faculty and 28% of staff don't know what happened as a result of their report. Dr. Mulcahy said he found the adjective "appropriate" to be striking: about half the time, people were happy with the University's reaction and about half the time not. Is that good? Some individuals are never satisfied, Professor Ruggles and Mr. Schumacher both commented. The important point, Mr. Schumacher said, is that people are satisfied that the University dealt fairly with the issue, because they do want people to come forward when they perceive misconduct.

Are actions always taken, Ms. Witson asked? In some cases, no, Mr. Schumacher said, because the incident does not raise policy questions, it raises management issues. This may leave some people unhappy.

Mr. Schumacher next reported that in dealing with workplace problems, respondents were asked to respond to the statement "I know where to report violations of law or policy (such as the University's confidential reporting line)." 60% of staff and 59% of faculty indicated they agreed or strongly agreed. Professor Dahlberg asked if any high-profile instances had come through the hotline. They have only had this expanded hotline for a year, Mr. Schumacher said, but they have learned about some significant issues. It would be better if the University could discuss and address major problems itself, rather than having them dealt with by outsiders (e.g., the ALG and basketball scandals). Mr. Schumacher said that neither of those scandals were a surprise; what he hopes is that little things will be brought forward via the hotline, because the sooner they come up, the sooner they can be dealt with. Professor Weisberg commented that the 60% figure is likely a gross over-estimate, and said that the ones who are least likely to answer the question are the ones who care least about misconduct.

Asked to respond to the statement "I believe I would be protected from retaliation if I report a suspected violation," half the faculty and staff agreed/strongly agreed but about one-quarter of faculty and staff disagreed or strongly disagreed. That number is high, Mr. Schumacher said; he would have expected 12-15%. That could be sample bias, Professor Weisberg said, and could be too high. Professor Trachte commented that 75% of whistleblowers suffer consequences, which is why a confidential reporting line is important. The evidence is that people suffer consequences if they report openly. People can best be protected if they use the hotline, Mr. Schumacher pointed out.

One of the statements in the survey was this: "University leadership demonstrates integrity and ethical behavior." 60% of the staff and 57% of the faculty agreed or strongly agreed; 18% of staff and 24% of faculty disagreed. But if one goes through all 148 Pulse survey questions, Mr. Schumacher said,

on balance most people are loyal to the University, so these numbers could be high. Professor Seybold said, by way of context, that HealthPartners is conducting another iteration of its national study on scientists behaving badly; it would be interesting to compare their results with these.

Mr. Schumacher turned next to the "hot topics" in research compliance for 2007. He provided Committee members a list of the topics. The 10 topics "were gathered through evaluation of federal audits, federal audit work plans, issues reported at other universities, issues reported at the U of M, and concerns noted by the University's Research Compliance Committee." Mr. Schumacher cautioned that "these areas should not be viewed to suggest the University has a major problem in these areas," but they reflect areas of concern in the national regulatory community.

1. Effort reporting (ensuring cost sharing, minimum levels of effort, changes in effort, and justifications are being reported accurately). This is a huge issue nationally, Mr. Schumacher said, but he believes the University of Minnesota is doing a good job. The biggest problem is structural: justification on payroll that is in synch with payroll and the award; do they reflect the work?

2. Data security (lack of technical support for researchers for their computers, leaving them vulnerable to security breaches, lack of purchasing standards for computing so support can be provided).

3. Certifications, signatures, approvals: a major concern is about the individual risk to faculty members. The system is built on the PI model; the PI is responsible for everything. Mr. Schumacher said that PIs should not sign something if they do not know it is right or do not believe that it is.

4. Occupational Health and Safety and Lab Safety: Mr. Schumacher said PIs must be sure everyone has received the necessary training. This includes dealing with animals, lab safety, handling and disposing of chemical and hazardous wastes, and dealing with infections agents, recombinant DNA, etc.

5. Copyrights: there is confusion about fair use, on-line learning, and so on. There is a lack of understanding if permission is needed (if one needs permission to use print materials, one also needs it to use web materials, unless the library has a subscription to the material, but not all agreements are the same). There is also a failure to assert rights; authors should try to keep ownership of their materials for their own teaching (to use without permission), which they can often get.

6. Conflict of Interest

7. Direct Charging Indirect Costs: there is sometimes pressure at the department level to direct charge anything that can be, but the charges must be the same across the institution and direct charges may not include costs for which the University receives indirect cost funds (that is, it should not be paid twice).

8. Export Controls: Mr. Schumacher suggested the Committee speak with Mr. Bohnhorst in the spring to provide an update in this area. This is governed by federal criminal statutes and there is individual liability; the University can help with a lawyer but otherwise can't do much if a charge is made.

9. ISOs and Recharge Centers: they are supposed to be cost-neutral and there can be no "discounts"— because the discount becomes the lowest rate available, and thus the federal rate.

10. Subrecipient Monitoring: the University needs to monitor subrecipients because it is liable for mis-spending.

Mr. Schumacher also provided a "B" list of other issues which he did not review. He also noted that things are not all bad; in an Ohio State case, researchers were awarded $1 million plus attorneys' fees when the court concluded the whistleblower had defamed academics by making bad-faith allegations.

Professor Ruggles thanked Mr. Schumacher for his lively presentation.

4.   Memo for the December Meeting

Professor Ruggles asked Committee members for comment on a draft memo outlining the Committee's concerns, to be provided to the President, the Provost, and Senior Vice President Cerra in advance of the discussion with them about the role and responsibility of the Vice President for Research.

Following a 30-minute discussion of the draft, Professor Ruggles adjourned the meeting at 3:05.

-- Gary Engstrand

University of Minnesota